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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,758	05/31/2001	Donald P. Muller	POU920010073US1	8811

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EXAMINER

BYLCIW, STEPHEN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/870,758		MULLER, DONALD P.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Stephen Bylcw		3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>31 May 2001</u> . | 6) <input type="checkbox"/> Other: _____  |

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*Handwritten signature*

### **DETAILED ACTION**

1. This non-final office action is in response to the application filed in the United States on May 31, 2001. Claims 1-24 are pending.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the full wording for item 44 of Figure 2 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The amended (corrected) replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted, the applicant will be notified and informed of any required corrective action. The objection to the drawings will not be held in abeyance.

It is kindly suggested that the applicant amend item 44 in Figure 2 to read, "Send an email to each customer with a link to the customer database. The email and link contains customer identifying information."

***Specification***

3. The disclosure is objected to because of the following informalities: the word "monitoring" is misspelled as "montoring" in paragraph 8, line 8.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-3, 7-9, 13-15, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Linden (U.S. Patent 6,360,254).**

Regarding claims 1, 7, 13, and 19, Linden teaches a system and method for electronic gift certificate and coupon redemption, gift registries, order confirmations, electronic voting (surveys), and electronic greeting cards (see abstract, lines 22-24). The system and method is implemented online and involves the transfer of a unique link (URL, hyperlink) to a user (customer, respondent, voter) that allows secure access to a web site having private information intended for the user. The private information is transferred from a database (Figure 1, item 42) to the web site and the user (customer, respondent, voter) can update this private information. The system and method more specifically includes:

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- Data in computer readable file(s) including an e-mail address for each customer (user, respondent, voter) to be surveyed (column 10, lines 7-14; figure 5).
- Placing in a database a list of customers (users, respondents, voters) to be surveyed and their associated e-mail addresses (column 7, lines 1-7).
- Tool (program, module, controller) to send survey form (voter form, customer questionnaire) to Internet server (column 2, lines 26-31; column 6, lines 15-23; Figures 1-2).
- Tool (program, module, controller) to send e-mail to each customer in the database/ list (column 6, lines 47-51) wherein each e-mail contains customer identification (Figure 6 – “To: Erin@aol.com”), and a link to customer database via Internet server (column 2, lines 26-31; column 6, lines 15-23 and 33-35; Figures 1-2).
- Tool (program, module, controller) analyzing completed survey and customer information (column 6, lines 17-21 and 38-44).

Regarding claims 2, 8, 14, and 20, Linden teaches a method and online voting (surveying) system comprised of:

- The establishment of a unique URL (column 7, lines 15-18; column 8, lines 13-26).

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Regarding claims 3, 9, 15, and 21, Linden teaches a method and online voting (surveying) system comprised of:

- Blocking at least one customer from using the link (hyperlink, URL, Uniform/Universal Resource Locator) after the completed survey (customer questionnaire, voting form) is saved (column 2, lines 31-34 and 56-59; claim 8; column 5, lines 29-31; column 11, lines 64-67).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 4-5, 10-11, 16-17, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden as applied to claims 1, 7, 13, and 19 above.**

Regarding claims 4-5, 10-11, 16-17, and 22-23, Linden teaches a system and method for electronic voting (surveys). The invention has a database with e-mails for each user (customer, respondent, voter). It has a tool (program, module, controller) to send the form to the web server where it is accessed via a link sent to the user via e-mail from the tool. Analysis can be performed on the information retrieved from the user on the form to ensure accurate order processing or other functions.

Linden does not expressly teach a system or method that includes:

- A firewall between the database and the Internet server.

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- An ability to propagate survey from customer database to a web server through a firewall.
- Propagating completed survey (customer questionnaires, voting forms) and customer information from the web (Internet) server to a replication database (depositor replica) accessible by an application on the customer database side of the firewall.

Official notice is taken that is well known by one of ordinary skill in the art of Internet technology (i.e., e-business, e-commerce and the like) at the time of invention that:

- secure online systems protecting user (customer, respondent, voter) identifying information (postal addresses, e-mail), relationship history (past purchases, past voting histories, marketing preferences, voting preferences, survey responses), financial information (credit card numbers, bank accounts) would be protected by firewalls to prevent unauthorized access and data tampering, but would allow authorized information to pass between computers through firewalls as instructed by an application (controller, module, tool, subroutine)... as evidenced by Buhle (2000).
- replication databases are used when it is impractical to use a centralized repository of data from the perspective of performance, security, availability, etc.... as evidenced by Orfali (1999).

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It would be obvious to one of ordinary skill in the art at the time of invention to modify the system and method for electronic voting (surveys) to:

- Include a firewall between the internet server and databases that allows authorized information to pass for the advantages of security.
- Include a replication database that is accessible from an application to accept completed surveys for the advantage of performance, security, and availability.

**8. Claims 6, 12, 18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden as applied to claims 4-5, 10-11, 16-17, and 22-23 above in view of Peters (U.S. Patent 5,893,098).**

Regarding claims 6, 12, 18, 24, Linden teaches a system and method for electronic voting (surveys). The invention has a database with e-mails for each user (customer, respondent, voter). It has a tool (program, module, controller) to send the form to the web server where it is accessed via a link sent to the user via e-mail from the tool. Analysis can be performed on the information retrieved from the user on the form to ensure accurate order processing or other functions.

Linden does not expressly teach a system or method that includes:

- An application that analyzes the survey results and customer information to prepare reports that are stored on a customer database.



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- An application that transfer survey information from a replication database to a customer database.

Peters teaches a system and method for obtaining and collating survey information from a plurality of computer uses. The system and method comprises:

- An application that analyzes the survey results and customer information to prepare results stores information on a database (column 3, lines 28-41 and 51-54; column 4, lines 20-27).

It old and well known by a person of ordinary skill in the art of information technology that information can be transferred between a replication database (depositor replica) and another database... as evidenced by Orfali (1999).

Linden and Peters are in the analogous art of Internet technology (i.e., e-business, e-commerce and the like). It would be obvious to one of ordinary skill at the time of invention to combine the teachings of Linden and Peters to create a system and method for distributing survey forms to users (customers, respondents, voters) via an e-mail with a link to the survey form, saving the results securely in a replication database on the secure side of a firewall and using an application to create reports that are stored on the customer database for the advantage of understanding the survey responses.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Buhle (2000) teaches in Figure 2 a firewall between the Internet server and the data storage (databases) as well as information passing through the firewall between the databases and web server.

b) Orfali (1999) teaches that: replication databases are commonly used to remove performance limitations associated with centralized data access (p. 276, lines 31-34); information in replication databases can be enhanced or converted into formats (reports) that are appropriate for decision support (p. 283, lines 6-24); and information can be transformed from a database replication database to a primary database (p. 286, Figure 12-10).

c) U.S. Patent 6,151,584 teaches a method of providing customers questionnaires and/ or forms to collect customer specific data and parsing the data to provide marketing decision support.

d) U.S. Patent 6,574,621 teaches a method and apparatus for analyzing a survey database using a rules-based expert system.

e) U.S. Patent 6,754,635 teaches a method and apparatus for automating surveys over a network. In a sequence of steps a survey is generated and fielded to users, then results are gathered and distributed to clients.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Bylcw whose telephone number is 571-272-8125. The examiner can normally be reached on weekdays, 8AM-5PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB SB 6/24/2005

  
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